IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No.1173 of 2007
[Kesarsingh G. Rajput Vs. State of Mah. & ors.]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. S.N. Sarodiya, Advocate for the petitioner.
Mr. A.S. Fulzele, AGP for Respondents.

CORAM : A.H. JOSHI AND
R.C.CHAVAN,JJ.

DATE : 12th September,2007.

1. Heard.

2. A specific finding is recorded by Tribunal that the delay of four years and twenty-three days caused in approaching the Tribunal is not duly explained.

3. Even on going through the application for condonation of delay, nothing is seen, except that two applications were made by the petitioner one to the then Hon'ble Chief Minister in 2003 and another dated 19th October, 2005. Barring these two representations, no explanation is offered as to how the time was lost and how the petitioner was diligent in

approaching the Tribunal.

4. In the circumstances, we find that the delay in filing of Original Application has not been explained at all. Had there been some explanation to the delay, then the question of taking a liberal and pragmatic view would have arisen in terms of the Judgments relied upon by the petitioner in cases of [1] N. Balakrishnan Vs. M. Krishnamurthy [AIR 1998 SC 3222], and [2] State of Nagaland Vs. Lipokao & ors. [(2005) 3 SCC 752]. These judgments do not come to any rescue of the petitioner, as petitioner has whiled away time in submitting non-statutory representations against a remedy available in law.

5. The impugned judgment cannot be faulted as rendered in excess of or due to failure to exercise jurisdiction or otherwise illegal.

6. Therefore, Petition has no merit. It is accordingly dismissed.

Judge **Judge**

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